

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 07-028

v.

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SECTION: N"

JACQUELINE CLEGGETT

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FACTUAL BASIS

If this matter were to proceed to trial, the United States of America would prove the following facts beyond a reasonable doubt:

From approximately 1999 to early 2002, Jacqueline Cleggett, also known as Jacqueline Cleggett Lucas and Jacqueline Lucas, operated a pain management clinic located on Chef Menteur Highway in New Orleans. At the time, she was a physician licensed by the State of Louisiana with a Drug Enforcement Administration ("DEA") registration number, which authorized her to dispense controlled substances in the course of her medical practice. Her clinic maintained unusual hours of operation that extended from the late afternoon until 2:00 a.m., and sometimes later. There were always a large number of patients no matter the time of day, and a large number of the cars parked at the location had Mississippi or Florida license plates. All payments for visits were on a "cash only" basis. Also, there was an established system that required

monetary cash payments above the standard payment as a quicker method of acquiring service. Patients were advanced on the daily waiting list according to the amount of additional payment made.

A joint investigation conducted by the DEA and the Tri-County Narcotics Task Force in Jackson, Mississippi, revealed that Cleggett had been a source of supply of prescriptions for Oxycontin (a Schedule II controlled substance) for a group of individuals led by Michael Busby and Joe Callahan who would re-distribute the drugs throughout Mississippi. Seventeen of those individuals were eventually arrested. The medical records of those and other individuals were obtained from Cleggett, some of which were provided to Brobson Lutz, M.D., for review. After analysis, Dr. Lutz reported that Cleggett prescribed numbers of controlled substances in a manner that was outside the boundaries of a legitimate professional medical practice.

Dr. Allan Parr reviewed the charts of Michael Busby, Joe Callahan, and another patient, James Price. Dr. Parr agreed with Dr. Lutz's evaluation that Cleggett prescribed tremendous numbers of controlled substances in a manner that was obviously outside the boundaries of a legitimate professional medical practice.

Dr. Parr noted that Cleggett used large doses of Oxycontin. In the case of Mr. Price the dosage equaled 80mg tablets taken five times every 12 hours. Also, Cleggett knew that Price was seeing other doctors, but continued to provide him with narcotic prescriptions. The patient was seeing Dr. Jarrott, but still received Oxycontin and Norco (which contains Hydrocodone, a Schedule III controlled substance).

Contrary to the terms of her own patient narcotic agreement, Cleggett wrote narcotic prescriptions even when a drug screen showed the patient was not taking the

prescribed drug. For example, Mr. Callahan received large doses of Oxycontin per day, 100mg. Callahan also received prescriptions for Lorcet (which contains Hydrocodone, a Schedule III controlled substance) and Xanax (a Schedule IV controlled substance). On December 06, 2001, Callahan had a negative urine screen for narcotics, but nevertheless continued to receive narcotic prescriptions.

Mr. Busby repeatedly had toxicity screens that indicated use of illegal drugs, yet Cleggett continued to prescribe controlled substances. On May 25, 2001, Busby was positive for THC (marijuana) and still received narcotic prescriptions. On August 14, 2001, his urine toxicity screen was again positive for THC. On Dec 6, 2001, his urine toxicity screen was positive for THC, Methadone, and Opiates. On January 24, 2002, Busby's urine toxicity screen was positive for cocaine.

As with Mr. Callahan, Mr. Busby continued to receive narcotic prescriptions after a toxicity screen established he was not using the prescribed drugs. On July 18, 2001, Busby tested positive for marijuana but negative for opiates. If he had been taking his prescribed Oxycontin and Roxicodone he would have tested positive for opiates.

In addition to the above-referenced medical doctors, if called to testify, other witnesses would testify that, among other things, (1) Cleggett and her staff performed perfunctory, often meaningless physical examinations; (2) Cleggett wrote prescriptions for patients without ever having examined them; (3) Cleggett had an extraordinary number of patients, seeing 80 to 110 patients per day, many from out of state; and (4) patients were required to pay in cash for their visit, with higher payments required to see the doctor more quickly.

The documents and proposed testimony establish that Cleggett, in agreement and in conjunction with at least one of her nurse practitioner's, a security detail officer who subsequently worked as a part-time office manager, and one or more of her medical assistants, managed to keep a steady flow of cash paying patients and prescriptions moving through her clinic even when Cleggett was rarely there. Further, the evidence establishes that, at times, Cleggett accepted whatever patients told her about their pain and medical history.

JACQUELINE CLEGGETT
Defendant

DATE

GEORGE CHANEY
Counsel for Defendant

DATE

THEODORE R. CARTER, III
Assistant United States Attorney

DATE